

## HOUSE Substitute for SENATE BILL No. 51

By Committee on Appropriations

3-21

10 AN ACT [~~concerning certain crimes drugs,~~] creating the crime of trafficking  
11 in counterfeit drugs; providing penalties therefor[; ~~providing re-~~  
12 ~~porting certain persons with unlawful immigration status to the~~  
13 ~~United States immigration and naturalization service~~ prescription drug  
14 pedigree study].

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. (a) Trafficking in counterfeit drugs is intentionally man-  
17 ufacturing, distributing, dispensing, selling or delivering for consumption  
18 purposes, or holding or offering for sale, any counterfeit drug.

19 (b) Trafficking in counterfeit drugs which have a retail value of less  
20 than \$500 is a class A nonperson misdemeanor, trafficking in counterfeit  
21 drugs which have a retail value of at least \$500 but less than \$25,000 is a  
22 severity level 9, nonperson felony and trafficking in counterfeit drugs  
23 which have a retail value of \$25,000 or more is a severity level 7, non-  
24 person felony.

25 © A pharmacy which is inadvertently in possession of counterfeit  
26 drugs may return those drugs to the supplier who provided the drugs to  
27 the pharmacy.

28 [~~Sec. 2. Any person found guilty of trafficking in counterfeit~~  
29 ~~drugs in violation of section 1, and amendments thereto, of driving~~  
30 ~~under the influence of alcohol or drugs in violation of K.S.A. 8-~~  
31 ~~1567, and amendments thereto, or of domestic battery in violation~~  
32 ~~of K.S.A. 2005 Supp. 21-3412a, and amendments thereto, and who~~  
33 ~~is of unlawful immigration status shall be reported by the appropriate~~  
34 ~~authorities to the United States immigration and naturali-~~  
35 ~~zation service.~~]

28 [Sec.2. The state board of pharmacy shall conduct a study  
29 on the issue of licensing wholesale prescription drug distributors  
30 and the use of pedigree for prescription drugs and the penalty  
31 aspects for violation of any pedigree requirements. The results  
32 of such study shall be completed and presented along with  
33 a licensing and pedigree plan and recommendations for  
34 licensing and pedigree legislation to the legislature no  
35 later than January 15, 2007.

36 Sec. 2-[3.] This act shall take effect and be in force from and after  
37 its publication in the statute book.